

Tenn., alleging that the articles had been shipped in interstate commerce, in various shipments on or about August 24, August 28, and September 17, 1936, by the Southwestern Chemical Co., from Jonesboro, Ark., and charging adulteration and misbranding of the former and misbranding of the latter in violation of the Food and Drugs Act as amended.

Analyses showed that the Chill & Malaria Tonic consisted essentially of sugar, water, cinchonine, phenolphthalein, an iron compound, benzoic acid, and extracts of plant materials; and that the Purgolax Tablets consisted essentially of phenolphthalein, calomel, and laxative plant drugs, such as aloe coated with calcium carbonate, sugar, and a pink coloring material.

The Chill & Malaria Tonic was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (cartons and some labels) "Quinidine Tonic"; (other labels) "Quinine Tonic"; (circulars) "containing quinine," since it did not contain either quinidine or quinine.

The Chill & Malaria Tonic was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading when applied to an article that did not contain either quinidine or quinine: (Carton) "Quinidine Tonic * * * where a Laxative and Quinine are indicated. * * * with quinidine * * * the Quinidine * * * the Iron and Quinine combined with a Laxative make an excellent Tonic"; (circular) "* * * containing Quinine * * * Many so-called remedies contain quinine and a laxative but no iron; others contain quinine and iron but no laxative. Dr. Dodd's MFC contains them all"; (some bottle labels) "Quinidine Tonic * * *"; (other bottle labels) "* * * where Quinine and a Laxative are needed * * * Quinine Tonic." The Chill & Malaria Tonic was alleged to be misbranded further in that the bottle labels, cartons, and circulars bore false and fraudulent representations regarding its effectiveness in the treatment of chills, malaria, colds, and fevers due to malaria; and its effectiveness as a general tonic and appetizer; its effectiveness to restore red blood corpuscles, to rebuild the system and to hasten the return of vigor and vitality; its effectiveness to build health, strength and vitality; its effectiveness as an all year around tonic for those feeling "all in," depressed, listless, failing; its effectiveness for lagging appetite and to build resistance against colds; and its effectiveness as an all around medicine for the entire family.

The Purgolax Tablets were alleged to be misbranded in that the envelopes and circulars in some of the envelopes bore false and fraudulent representations regarding the effectiveness of the article in the treatment of auto-intoxication, constipation, and certain forms of biliousness; and its effectiveness to stimulate the liver and intestines and to eliminate toxins from the system.

On July 10, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27569. Adulteration and misbranding of Lund's Magic of the Grape. U. S. v. 79 Bottles of Lund's Magic of the Grape (and two other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 39339, 39396, 39581. Sample Nos. 17941-C, 27497-C, 27522-C.)

This product was labeled to convey the impression that it was grape juice, whereas it consisted of grape juice diluted with about four parts of water and it contained added dextrose (grape sugar). The labeling bore false and fraudulent curative and therapeutic claims.

On April 6, April 20, and May 13, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 364 quart bottles and 95 pint bottles of Lund's Magic of the Grape at New York, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about February 10, March 24, and March 31, 1937, by Lund's Grape Juice Co. from Erie, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged to be adulterated in that water, dextrose, and mineral matter had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength and in that a mixture of water, dextrose, mineral matter, and about 20 percent of grape juice had been substituted for grape juice, which it purported to be.

The article was alleged to be misbranded in that the following statements appearing on the bottle label and accompanying circulars were false and mis-

leading when applied to an article that consisted essentially of water, dextrose, mineral matter, and approximately 20 percent of grape juice: (Bottle label) "Magic of the Grape Prepared from the pure juice of U. S. No. 1 ripe Concord Grapes exclusively processed to preserve the grape tartrates * * * Lunds, served in 2½ ounce fruit-juice glasses at meals and as a refreshment between meals, is economical fruit. * * * The skins are discarded as you discard them in the usual process of eating grapes, so that the cloudy purple coloring which consists of compounds of tannic acid that disturb digestion, is eliminated. It offers the convenience of pouring your morning fruit from a bottle and has the same delicate flavor as the juice that flows into your mouth when you break a fresh ripe grape between your lips. * * * [design showing grapes] Magic of the Grape As the grape contains more fruit sugar than any other fruit, it is a valuable food"; (quart-sized-bottle label) "Lunds Grape Juice Co. * * *"; (pint-sized-bottle label) "Concord Juice Co. * * *"; (circulars accompanying two lots) "Magic of the grape * * * pure natural food which does not require digestion. * * *"; "Magic of the Grape is prepared from cold pressed natural color grape juice with grape sugar and no cane sugar"; (circular, entitled "Directions," accompanying one lot) "Two or three quarts of Lund's per day furnishes energy for all usual occupations"; (circular, entitled "Relief Guaranteed in 24 Hours," accompanying one lot) "Lund's Magic Of The Grape is prepared from cold pressed natural color grape juice with grape sugar * * * It is so rich in grape sugar, which is the normal blood constituent from which nearly all energy is derived, that no other food is required for ordinary activities during a fast."

The libels alleged that the article was misbranded further in that the bottle labels and accompanying circulars bore false and fraudulent representations regarding its curative and therapeutic effectiveness in the treatment of colds, stomach, liver, kidney, intestine, lung or bladder trouble, rheumatism, emaciation, overweight, sleeplessness, cancer, or any other sickness, congestion, constipation, inflammation of acute kinds, night-rising and insomnia; its effectiveness to make one's condition more normal, the pulse more firm and regular, the heart beat easier, the blood pressure and temperature more normal, the breathing easier, the kidney and bowel action more regular and less painful, the appearance of the skin more normal, sleep more restful; its effectiveness to relieve inflammation, congestion of mucous membranes, and pains in the muscles and joints; its effectiveness to eliminate poisons and wastes, to produce a feeling of release, lightness, loss of heaviness in the eyes, mind, and muscle, and to increase energy.

The libels filed in two of the actions charged that the article was misbranded further in that it was an imitation of another article, namely, grape juice; in that it was labeled so as to deceive and mislead the purchaser and in that the labeling bore statements and designs concerning the ingredients or substances contained in the article which were false and misleading, namely, a design showing grapes and statements which created the misleading impression that the article was composed solely of grape juice and sugar.

On April 20, May 6, and May 25, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27570. Misbranding of Bevill's Lotion. U. S. v. 99 Bottles and 34 Bottles of Bevill's Lotion. Default decrees of condemnation and destruction. (F. & D. Nos. 39586, 39863. Sample Nos. 34709-C, 34733-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 20 and June 21, 1937, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 133 bottles of Bevill's Lotion at Houston, Tex., alleging that the article had been shipped in interstate commerce from Birmingham, Ala., in part on or about August 17, 1936, in the name of Bevill Co., Inc., and in part on or about January 11 and April 12, 1937, in the name of I. L. Bevill Co., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted essentially of salicylic acid (approximately 10 grams per 100 cubic centimeters), methyl salicylate, alcohol, and water.